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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 25 AM 9:46

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 2606
v.	COMPLAINT FOR VIOLATION OF:
Lorenzo ZUNIGA-Herrera, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **August 23, 2008** within the Southern District of California, defendant, **Lorenzo ZUNIGA-Herrera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **AUGUST, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

DOA
8/23/08

CONTINUATION OF COMPLAINT:
Lorenzo ZUNIGA-Herrera

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On August 23, 2008, Border Patrol Agent M. Villalobos was working assigned line-watch duties in the Imperial Beach area of Operations in an area known as "The 462 Trail." "The 462 Trail" is an area approximately two miles west of the San Ysidro, California Port of Entry and approximately three hundred yards north of the United States/Mexico International Boundary. Due to its proximity to the International Boundary and surrounding conveyances, "The 462 Trail" is an area notoriously used by aliens to further their illegal entrance.

At approximately 4:15 p.m., Agent Villalobos was advised by East Scope Operator, Border Patrol Agent P. Meyer, of approximately one individual who was running north from the International Boundary towards "The 462 Trail." Guided by the East Scope Operator Agent Villalobos responded to the scene and positioned himself to intercept the individual. Agent Villalobos observed an individual running north through "The 462 Trail.". Due to the time of day, proximity to the International Boundary, and the East Scope Operator's visual observations, Agent Villalobos identified himself as a United States Border Patrol Agent and conducted an immigration inspection, questioning the individual as to his citizenship and nationality. The individual, later identified as the defendant **Lorenzo ZUNIGA-Herrera**, admitted to being a citizen and national of Mexico not in possession of any documentation enabling/permitting him to enter and/or remain in the United States legally. At approximately 4:31 p.m., the defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 7, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on August 24, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **August 23, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Peter C. Lewis
United States Magistrate Judge

8-24-08 @ 11:23 a.m.
Date/Time